

USSN 09/424,951

Attorney Docket No. 087714-0113

**REMARKS**

Claims 13-15 have been rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness in its inclusion of the term "homology." To advance prosecution, applicants have followed the Examiner's recommendation by revising the claims to recite "identity," in keeping with the express teachings of the specification.

The Examiner has rejected claim 20 under 35 U.S.C. § 112, first paragraph, on stated grounds that concern the deposit of a certain bacterial strain. Those grounds are mooted by applicants' submission of the accompanying declaration, which evidences an ATCC deposit number of the strain in question.

Finally, SEQ ID 3 is the Sequence Identifier Number that corresponds to the full-length *CaNik-1* DNA sequence that is contained in  $\lambda$ SG15.1.

In view of the foregoing amendments and remarks, applicants respectfully submit that all of the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

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**Versions with Markings to Show Changes Made**

13. (Amended) An isolated polynucleotide that encodes a protein linked to phenotypic switching in *Candida albicans* that exhibits 70% or greater [homology] identity to SEQ ID NO3.

14 (amended) The polynucleotide of claim 13 that exhibits 80% or greater [homology] identity to SEQ ID NO 3.

15. (Amended) The polynucleotide of claim 13 that exhibits 90% or greater [homology] identity to SEQ ID NO3.